

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: Samuel K Tompoe
Cecelia Tompoe

Debtor(s)

Case No.: 15-29212

Judge:

Chapter: 13

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☐ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: _____

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 800.00 Monthly* to the Chapter 13 Trustee, starting on ____ for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property

Description:

Proposed date for completion: _____

- ☒ Loan modification with respect to mortgage encumbering property

Description: **Tier plan pending the outcome of a loan modification**

Proposed date for completion: **July 2017**

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Candye I. Smith-Sklar ~90828	Attorney Fees	1,900.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Midland Mortgage Company/Mid First Bank	1428 Stuyvesant Avenue Trenton NJ Keep 1 Year behind owe 160,000	20,856.00	0.00	20,856.00	1,378.00
Sovereign/Santander Bk	66 Pennwood Drive Ewing, NJ 08638 Santander Bank owe 207,000 6 months behind	11,000.00	0.00	11,000.00	1,487.59

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
-NONE-

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
Chrysler Capital	2014 Dodge Journey 8,077K 480/month	23,728.26

Part 5: Unsecured Claims

a. Not separately classified Allowed non-priority unsecured claims shall be paid:

____ Not less than \$ ____ to be distributed *pro rata*

____ Not less than ____ percent

 X *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

e. Other Provisions:

*This plan is a step plan or has lumpsum payments as follows: \$800.00 per month for 21 months, then \$1,154.14 per month for 39 months

Student loans are to be paid outside of bankruptcy

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified:.

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
Modified plan to extend the first tier to 21 months so debtors can complete the loan modification process	Plan was modified to extend the first tier to 21 months to allow debtors to complete loan modification process.

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date March 1, 2017 /s/ Candyce I. Smith-Sklar
Candyce I. Smith-Sklar
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: March 1, 2017 /s/ Samuel K Tompoe
Samuel K Tompoe
Debtor

Date: March 1, 2017 /s/ Cecelia Tompoe
Cecelia Tompoe
Joint Debtor

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Samuel K Tompoe
 Cecelia Tompoe
 Debtors

Case No. 15-29212-CMG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 46

Date Rcvd: Mar 02, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 04, 2017.

db/jdb
 cr +Samuel K Tompoe, Cecelia Tompoe, 66 Pennwood Drive, Trenton, NJ 08638-4716
 +SANTANDER BANK, N.A., Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100,
 Mt. Laurel, NJ 08054-3437
 lm Santander Bank, Mc: 10-6438-Cc7 601 Penn St, Reading, PA 19601
 515788530 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, P.O. Box 982236, El Paso, TX 79998)
 515788531 +Bank of America, Attn: Correspondence Unit/CA6-919-02-41, Po Box 5170,
 Simi Valley, CA 93062-5170
 515788534 +Capital One, Attn: Bankruptcy, Pob 30253, Salt Lake City, UT 84130-0253
 515788535 +Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 515788536 +Chrysler Capital, Po Box 961275, Ft Worth, TX 76161-0275
 515788537 +Citimortgage, Citimortgage Inc/Attn: Bankruptcy., Po Box 6030, Sioux Falls, SD 57117-6030
 515788538 +City Ntl Bk/Ocwen Loan Service, Attn:Bankruptcy Dept, Po Box 24738,
 West Palm Beach, FL 33416-4738
 515788539 +Conserve, 200 Cross Keys Office Pa, Fairport, NY 14450-3510
 515788540 +Dept Of Ed/navient, Po Box 9655, Wilkes-barre, PA 18773-9655
 515788542 +Drive Fin/Santander Consumer USA, Attn: Bankruptcy, 5201 Rufe Snow Dr Ste 400n,
 Richland Hills, TX 76180-6036
 515788544 +FNCC/Legacy Visa, Attn: Bankruptcy, Po Box 5097, Sioux Falls, SD 57117-5097
 515788545 +HSBC Auto Finance / Santander, Santander Consumer USA, Po Box 961245,
 Fort Worth, TX 76161-0244
 515788547 +Jared/Sterling Jewelers, Po Box 1799, Attn: Bankruptcy, Akron, OH 44309-1799
 515861371 +MidFirst Bank, 999 NorthWest Grand Boulevard, Oklahoma City, OK 73118-6051
 515788549 +Midfirst Bank, c/o Kivitz Mckeever Lee, PC, 216 Haddon Avenue, Suite 406,
 Collingswood, NJ 08108-2812
 515788550 +Midland Mortgage Company/Mid First Bank, Attention: Bankruptcy, Po Box 26648,
 Oklahoma City, OK 73126-0648
 515788551 +Mortgage Service Cente, Attn: Bankruptcy Dept, Po Box 5452, Mt Laurel, NJ 08054-5452
 515995337 Navient Solutions, Inc. Department of Education, Loan Services, P.O. Box 9635,
 Wilkes-Barre, PA 18773-9635
 515788554 +Quality Asset Recovery, 7 Foster Ave Ste 101, Gibbsboro, NJ 08026-1191
 515788556 +Remex Inc, 307 Wall St, Princeton, NJ 08540-1515
 515788558 +Santander Bank, c/o Phelan Hallinan Diamond & Jones, 400 Fellowship Road,
 Mount Laurel, NJ 08054-3437
 515788559 +Santander Consumer USA, Santander Consumer USA, Inc, Po Box 961245,
 Ft Worth, TX 76161-0244
 515820010 +Santander Consumer USA Inc., an Illinois Corporation, d/b/a Chrysler Capital,
 P.O. box 961275, Fort Worth, TX 76161-0275
 515788561 +Us Dept Of Education, Attn: Bankruptcy, Po Box 16448, Saint Paul, MN 55116-0448

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Mar 02 2017 22:45:17 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Mar 02 2017 22:45:14 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 515788529 +E-mail/Text: bk.notices@alcollectionagency.com Mar 02 2017 22:45:44 A-1 Collection Agency,
 715 Horizon Drive, Grand Junction, CO 81506-8700
 516003602 +E-mail/Text: gl7768@att.com Mar 02 2017 22:44:37 AT&T Mobility ll LLC,
 c/o AT&T Services, Inc., Karen A. Cavagnaro-Lead Paralegal, One AT&T Way, Room 3A104,
 Bedminster, NJ 07921-2693
 515788532 +E-mail/Text: bankruptcy@cavps.com Mar 02 2017 22:45:36 Calvary Portfolio Services,
 Attention: Bankruptcy Department, 500 Summit Lake Dr. Suite 400, Valhalla, NY 10595-1340
 515789448 +E-mail/Text: bankruptcy@cavps.com Mar 02 2017 22:45:36 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340
 515788541 +E-mail/Text: bankruptcynotices@dcicollect.com Mar 02 2017 22:45:47 Diversified Consultant,
 10550 Deerwood Park Blvd, Jacksonville, FL 32256-0596
 515788543 +E-mail/Text: bknotice@erccollections.com Mar 02 2017 22:45:19 Enhanced Recovery Corp,
 Attention: Client Services, 8014 Bayberry Rd, Jacksonville, FL 32256-7412
 515788546 +E-mail/Text: bankruptcy@icsystem.com Mar 02 2017 22:45:46 IC System, Attn: Bankruptcy,
 444 Highway 96 East, Po Box 64378, St. Paul, MN 55164-0378
 515982736 E-mail/Text: bkr@cardworks.com Mar 02 2017 22:44:30 Merrick Bank,
 c/o Resurgent Capital Services, Po Box 10368, Greenville, SC 29603-0368
 515788548 +E-mail/Text: bkr@cardworks.com Mar 02 2017 22:44:30 Merrick Bank,
 Attn: Correspondence Dept, P.O. Box 9201, Old Bethpage, NY 11804-9001
 515788552 +E-mail/PDF: pa_dc_claims@navient.com Mar 02 2017 22:42:21 Navient, Po Box 9500,
 Wilkes Barre, PA 18773-9500
 515830859 E-mail/PDF: pa_dc_litigation@navient.com Mar 02 2017 22:42:22
 Navient Solutions, Inc. on behalf of USAF, Attn: Bankruptcy Litigation Unit E3149,
 P.O. Box 9430, Wilkes-Barre, PA 18773-9430
 515788553 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 02 2017 23:02:12
 Portfolio Recovery, Attn: Bankruptcy, Po Box 41067, Norfolk, VA 23541

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 46

Date Rcvd: Mar 02, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

515847870 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 02 2017 22:54:40
Portfolio Recovery Associates, LLC, C/O Capital One Bank (usa), N.A., POB 41067,
Norfolk VA 23541
515788555 +E-mail/Text: Supportservices@receivablesperformance.com Mar 02 2017 22:45:54 Rcvl Per Mng,
Attn:Collections/Bankruptcy, Po Box 1548, Lynnwood, WA 98046-1548
516384728 +E-mail/Text: n.miller@santander.us Mar 02 2017 22:46:02 SANTANDER BANK, N.A.,
SANTANDER BANK, N.A., ATTN: BANKRUPTCY DEPT., MC: 10-6438-FB4, 601 PENN STREET,
READING PA 19601-3544
515788557 +E-mail/PDF: pa_dc_claims@navient.com Mar 02 2017 22:41:57 Sallie Mae,
Attn: Claims Department, Po Box 9500, Wilkes-Barre, PA 18773-9500
515788560 +E-mail/Text: cop@santander.us Mar 02 2017 22:45:10 Sovereign/Santander Bk,
Mc: 10-6438-CC7, 601 Penn St., Reading, PA 19601-3544

TOTAL: 19

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

515788533 ##+Capital One, Po Box 5253, Carol Stream, IL 60197-5253

TOTALS: 0, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 04, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 1, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Candyce Ilene Smith-Sklar on behalf of Joint Debtor Cecelia Tompoe mail@njpalaw.com
Candyce Ilene Smith-Sklar on behalf of Debtor Samuel K Tompoe mail@njpalaw.com
Denise E. Carlon on behalf of Creditor MidFirst Bank bankruptcynotice@zuckergoldberg.com,
bkgroup@kmlawgroup.com
James Patrick Shay on behalf of Creditor SANTANDER BANK, NATIONAL ASSOCIATION
james.shay@phelanhallinan.com
James Patrick Shay on behalf of Creditor SANTANDER BANK, N.A. james.shay@phelanhallinan.com
John Philip Schneider on behalf of Creditor SANTANDER BANK, NATIONAL ASSOCIATION
nj.bkecf@fedphe.com
Michael Frederick Dingerdissen on behalf of Creditor SANTANDER BANK, N.A. nj.bkecf@fedphe.com
Nicholas V. Rogers on behalf of Creditor SANTANDER BANK, N.A. nj.bkecf@fedphe.com

TOTAL: 10